

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Miguel Angel Gallegos, Sr.,

Case No. 25-cv-1656 (KMM/SGE)

Petitioner,

v.

ORDER

B. Eischen, FPC Duluth,
and FBOP,

Respondent.

The above matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Shannon G. Elkins, dated May 9, 2025. ECF No. 4. Miguel Angel Gallegos, Sr. asserts that the Federal Bureau of Prisons (“BOP”) wrongfully failed to award him time credits earned under the First Step Act of 2018 (“FSA”). ECF No. 1. Specifically, Mr. Gallegos argues that, because only his conviction under 924(c) is specified as being excluded under the FSA, he should be precluded from applying FSA time credits only to the portion of the sentence attributable to the § 924(c) conviction, and the sentence for his separate conviction should be eligible.

In the R&R, Judge Elkins recommended denying Mr. Gallegos’ habeas petition and dismissing the matter. Judge Elkins reasoned that the BOP was correct to deny FSA time credits for Mr. Gallegos’ entire sentence because, under 18 U.S.C. § 3584(c), the two sentences are treated as a single, aggregate sentence. And if either count of conviction is prohibited from application of time credits, the whole sentence is ineligible. R&R at 3–4.

Although it appears that Mr. Gallegos received the R&R, no objections were filed in the time permitted.

The Court reviews *de novo* any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, Judge Elkins committed no error, clear or otherwise. Therefore, the Court accepts the recommendations in full.

IT IS HEREBY ORDERED:

1. Magistrate Judge Shannon G. Elkins' Report and Recommendation, dated May 9, 2025 [ECF No. 4] is **ACCEPTED**;
2. Mr. Gallegos' Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**; and
3. This matter is **DISMISSED WITH PREJUDICE**.

Let Judgment Be Entered Accordingly.

Date: June 12, 2025

BY THE COURT:

s/Katherine Menendez

Katherine Menendez
United States District Court